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3 **UNITED STATES DISTRICT COURT**
4 **DISTRICT OF NEVADA**

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6 BBK Tobacco & Foods, LLP, an Arizona
7 limited liability partnership, d/b/a HBI
8 International,

9 Plaintiff,

10 v.

11 Shen Zhen Shi Wu Qing Cheng Technology,
12 Ltd. Dba JuicyPod, an unknown Chinese
13 entity doing business out of San Mateo,
14 California,

15 Defendant(s).

2:22-cv-00205-JCM-VCF

ORDER

16 Before the court is *BBK Tobacco & Foods, LLP v. Shen Zhen Shi Wu Qing Cheng Technology,*
17 *Ltd. Dba JuicyPod*, case no. 2:22-cv-00205-JCM-VCF.

18 Relevant background:

19 On January 13, 2023, the court scheduled an in-person hearing on the motion to withdraw as
20 counsel (ECF No. 17) for February 6, 2023. (ECF No. 18). The court ordered that an officer, director, or
21 managing agent for Shen Zhen Shi Wu Qing Cheng Technology Ltd. dba JuicyPod must appear in person
22 for the scheduled hearing. Brian R. Hardy, Esq. was ordered to inform his client of the scheduled hearing
23 on February 6, 2023; and mail/email a copy of the scheduling order (ECF No. 18) to an officer, director,
24 or managing agent of Shen Zhen Shi Wu Qing Cheng Technology Ltd. dba JuicyPod. *Id.* On February 3,
25 2023, Defendant Shen Zhen Shi Wu Qing Cheng Technology, Ltd. Dba Juicypod filed its Motion For
Leave To Appear Remotely At Hearing (ECF No. 20). Defendant stated that the managing agent for
JuicyPod resides in China and travel to Nevada for the hearing will generate substantial fees and costs for
a hearing that should not last more than an hour. *Id.* The court granted the motion and allowed the

managing agent for JuicyPod to appear via video conference for the hearing on the motion to withdraw as counsel on February 6, 2023. (ECF No. 21).

On February 6, 2023, the court held an in-person hearing on the motion to withdraw as counsel. Plaintiff's counsel John L Krieger, Esq. appeared. Brian Hardy, Esq. appeared. A representative from Shen Zhen Shi Wu Qing Cheng Technology Ltd. dba JuicyPod failed to appear for the scheduled hearing. (ECF No. 22). The court ordered that Defendant, Shen Zhen Shi Wu Qing Cheng Technology, Ltd., dba JuicyPod, had until March 8, 2023 to find a new counsel. If no lawyer appears by March 8, 2023, a Report and Recommendation will be entered recommending that a default be entered against the defendant. *Id.*

Pursuant to Local Rule IA 11-8, "[t]he Court may, after notice and opportunity to be heard, impose any and all appropriate sanctions on an attorney or party who, without just cause: (a) Fails to appear when required for pretrial conference, argument on motion, or trial; (b) Fails to prepare for a presentation to the Court; (c) Fails to comply with these Rules; or, (d) Fails to comply with any order of this Court."

"Corporations and other unincorporated associations must appear in court through an attorney." *In re Am. W. Airlines*, 40 F.3d 1058, 1059 (9th Cir. 1994) (per curiam). In addition, "Courts have inherent power in the interest of the orderly administration of justice and under Rule 41(b), FRCP, to dismiss for disobedience of its orders." *In re "Santa Barbara Like It Is Today" Copyright Infringement Litig.*, 94 F.R.D. 105, 108 (D. Nev. 1982). Here, Shen Zhen Shi Wu Qing Cheng Technology Ltd. dba JuicyPod has failed to follow court order (ECF No. 18, 21, and 22) and have failed to retain counsel in this case. It is appropriate that default be entered against Shen Zhen Shi Wu Qing Cheng Technology Ltd. dba JuicyPod.

Accordingly,

IT IS RECOMMENDED that DEFAULT be entered against Shen Zhen Shi Wu Qing Cheng Technology Ltd. dba JuicyPod and in favor of BBK Tobacco & Foods, LLP, for failure to maintain counsel and obey the Court's order.

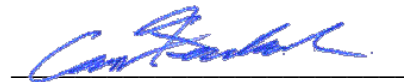
1 The Court Clerk is directed to mail and email a copy of this order to Shen Zhen Shi Wu Qing
2 Cheng Technology Ltd. dba JuicyPod at the following address:

3 Kevin Sheng
4 19840 Camino Arroyo
5 Walnut, California, 91789
6 Phone: 206-880-8258
7 Greece19820914@gmail.com

8 Shen Zhen Shi Wu Qing
9 Cheng Technology, Ltd. dba JuicyPod
10 19840 Camino Arroyo
11 Walnut, California, 91789
12 Phone: 206-880-8258
13 Greece19820914@gmail.com

14 Shen Zhen Shi Wu Qing Cheng Technology Ltd. dba JuicyPod has 14 days from the date of this
15 order to file an objection to this report and recommendation.

16 DATED this 14th day of March 2023.



17 CAM FERENBACH
18 UNITED STATES MAGISTRATE JUDGE
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